IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

CRP.No. 334 of 2007()

OP.7/2006 of WAKF TRIBUNAL, KOZHIKODE
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REVN. PETITIONER: PETITIONERS/PETITIONERS
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1. AVARANKUTTY, S/O. ALI,
AZUVALAPPIL HOUSE, MOONNIYOOR AMSOM AND DESOM,
TIRURANGADI TALUK.

2. AHAMMED, S/O. MUHAMMED,
MUSTHAFA MANZIL, MOONNIYOOR AMSOM AND DESOM,
THIRURANGADI TALUK.

BY ADV. SRI.R.RAMADAS

RESPONDENTS: RESPONDENTS
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1. ERANHIKKAL MUHAMMED HAJI, S/O. AHAMMED
KUTTY, PARAMMAL HOUSE, A.C.BAZAR, P.O.MONNIYOOR,
(NOW ACTING AS SECRETARY, MOONNIYOOR CHENAKKAL
JAMA ATH PALLI PARIPALANA COMMITTEE, MONNIYOOR,
WHICH IS FUNCTIONING AS THE MUTHAVALLI OF THE
MONNIYOOR CHENAKKAL JAMA-ATH PALLI.

2. OLAPILAL MOIDEEN HAJI, S/O. ALAVIKUTTY
HAJI, SALAMATH NAGAR, MOONNIYOOR SOUTH,
TIRURANGADI TALUK, MALAPPURAM.

3. NARIKKOT MECHERI HASSANKUTTY HAJI,
S/O. KUNHIN, MECHERI HOUSE, MOONNIYOOR,
TIRURANGADI TALUK, MALAPPURAM.

4. CHAKKIPARAMBATH ABDUL RASHEED,
S/O. BEERAN, MOONNIYOOR, TIRURANGADI TALUK,
MALAPPURAM.

5. MUTTICHIRAKKAL MOIDU, S/O. KOYA,
MOONNIYOOR, TIRURANGADI TALUK.

6. KONIYATH SAIDALAVI, S/O. MOIDEEN,
MOONNIYOOR, TIRURANGADI TALUK, MALAPPURAM.

7. MOOKKAMMAN KUNHAVARANKUTTY, S/O. KOMU,
CHINAKKAL, MOONNIYOOR, TIRURANGADI,
MALAPPURAM.

8. MANAMMAN HAMEED, S/O. KUNHALAN HAJI,
VELUTHEDATH HOUSE, MOONNIYOOR, TIRURANGADI,
MALAPPURAM

9. KORADAN AHAMMED, S/O. ALAVI HAJI,
KORADAN HOUSE, MOONNIYOOR, TIRURANGADI.

10. CHONARI MUHAMMED, S/O. KUNHIN,
CHANNAYATH HOUSE, MOONNIYOOR, TIRURANGADI,
MALAPPURAM.

11. VAKKATHODIKA MUHAMMED, S/O. BEERAN,
VEERANPADI HOUSE, PARAKKAVU, MOONNIYOOR SOUTH,
TIRURANGADI, MALAPPURAM.

12. NARIKKODE MECHERI AVARANKUTTY,
S/O. KUNHEEN, MECHERI HOUSE, MOONNIYOOR,
TIRURANGADI.

13. PARADAN KHADER, S/O. HASSAN,
PARADAN HOUSE, MOONNIYOOR, TIRURANGADI,
MALAPPURAM.

BY ADV. SRI.P.M.MOHAMED ALI
SRI.AYPE JOSEPH
SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

C.R.P.No.334 of 2007

Dated 5th November, 2007.

O R D E R

Kurian Joseph, J.

Petitioners are aggrieved by the order dated 22.3.2007 in O.P.No.7/06 on the file of the Wakf Tribunal, Kozhikode. The Original Petition, praying for a direction to conduct election to the Chenakkal Juma-ath Palli Paripalana Committee, was dismissed on the ground of maintainability. The Tribunal noted that the committee, though a registered society, is not on the party array. In fact, the alternate prayer itself is to conduct election to the first respondent. Apparently, the petitioners intended the society to be on the party array, and that is evident from the cause title itself. But unfortunately, that intention is not reflected in the Original Petition before the Tribunal. The Wakf Board is also not made a party. In view of the Bench decision of this Court in **Madeena Masjid v. Kerala Jama Ath Islami Hind** [2007(3) KLT 800], it is mandatory that the Board should be on the party array.

2. The dispute essentially pertains to the

management of the Committee. It is brought to the notice of this court that it was quite a few years back, the election to the Committee was conducted. It is seen from one of the interim orders passed by this court in W.P.(C) No.22374/07 [Ext.R1(c)] that the parties had agreed to have the election conducted at the earliest. But final decision was not taken by this court in the said writ petition owing to the pendency of this Civil Revision Petition, and the writ petition was originally directed to be tagged with this Civil Revision Petition. However, it appears the writ petition was disposed of dealing only with the prayer for police protection. Be that as it may, since the petitioners realize that they have to maintain a suit before the Tribunal, they seek a direction to approach the Tribunal itself with a proper petition. The parties agree that they have no objection in conducting election to the committee expeditiously. Hence, it is prayed that a direction may be issued to the Tribunal for appropriate orders in the matter expeditiously.

In the facts and circumstances of the case, we dismiss this Civil Revision Petition; however making it clear that in the event of the petitioners approaching the Tribunal and instituting a proper petition in the matter, the Tribunal will pass appropriate orders in the light also of Ext.R1(c) order passed by this court and

also in the light of any other intervening developments, expeditiously.

I.A.1027/07 : Dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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